

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11388

Application of

Nathaniel Christopher Herwig et al.

Serial No. 10/659,659

Group Art Unit: 2887

Filed: September 10, 2003

Examiner: E. Labaze

For: **COMPUTER PERIPHERAL WITH INTEGRATED
PRINTER AND BAR CODE READER**

MS Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This is an appeal brief submitted in connection with a reinstated appeal following the Office Action dated March 4, 2009 rejecting all of the claims in the present application.

(i) REAL PARTY IN INTEREST

The real party in interest is NCR Corporation.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

(iii) STATUS OF THE CLAIMS

Claims 1-10 are pending in the application.

Claims 1-10 stand rejected.

Claims 1 and 7-10 are appealed.

There are no cancelled or withdrawn claims.

(iv) STATUS OF AMENDMENTS

Appellants did not file a Response subsequent to the Office Action of March 4, 2009.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 7, 9, and 10 relate to a computer peripheral.

As embodied in claim 1 the invention includes

(Figs. 1-2; page 3, lines 5-13; page 4, lines 15-16, 21-23)

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

As embodied in claim 7 the invention includes

(Figs. 1-2; page 3, lines 5-15; page 4, lines 15-16, 21-23)

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

As embodied in claim 9 the invention includes

(Figs. 1-2; page 3, lines 5-15; page 4, lines 11-16, 21-23)

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including an impact printer, a magnetic ink character reader, a receipt printer, and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code

data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

As embodied in claim 10 the invention includes

(Figs. 1-2; page 3, lines 5-15, 31-32; page 4, lines 1-7, 11-16, 21-23)

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader;

wherein the housing includes a generally vertical front surface containing an aperture and wherein the barcode reader is located within the housing between the receipt printer and the aperture; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

Claim 8 relates to a transaction system. As embodied in claim 8 the invention includes

(Figs. 1-2; page 3, lines 5-15, 31-32; page 4, lines 1-7, 11-16, 21-23)

a controlling transaction computer at a checkout station, including a universal serial bus controller; and

a computer peripheral at the checkout station and separately housed from the controlling transaction computer including

a peripheral housing for containing only two normally separately housed peripherals for saving space at the checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the sale of the products completed by the transaction computer.

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 7-10 stand rejected under 35 USC 103(a) as being unpatentable over Coutts (2002/0099634) in view of Itkis (2002/0094860).

(vii) ARGUMENT

Coutts discloses a thin client system including an ATM or POS terminal. The ATM may include a plurality of networked peripherals, each with its own module hardware 9, including communications 7, embedded processor 6, and hardware control 8 (see paragraph 0087). Each peripheral device has independent access to server 16 and is thus an individual client to server 16 (see paragraph 0092). Each peripheral is individually connected to server 16, and each has a direct connection to server 16 (see paragraphs 0104 and 0105).

Itkis discloses a bingo system including a terminal for collecting bingo fees authorizing a bingo player to participate in a bingo game. The terminal includes a barcode reader for reading a barcode on a receipt printed by the terminal. The terminal reads the barcode to determine whether the player is due any winnings or prizes (see paragraphs 48-50).

I. With respect to claims 1 and 7-10, Coutts (2002/0099634) and Itkis (2002/0094860) fail to teach each and every element of the claimed invention.

The Office has failed to give patentable significance to the meaning of claimed elements and has inappropriately stretched the

teachings of Coutts (2002/0099634) and Itkis (2002/0094860) beyond what is permitted by established law.

Neither reference discloses a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader. Neither reference discloses control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

The Office has suggested that Coutts discloses a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader, or such a peripheral separately housed from a controlling transaction computer. However, this is not the case. A close reading of Coutts reveals that Coutts does not go to that level of detail. Coutts speaks in broad terms about a terminal including peripherals.

The Office cites Itkis, suggesting that Itkis discloses

receipt data reflecting a sale of products and bar code data from the products. However, this is not the case. Itkis reads barcode labels on receipts given in return for fees paid to participate in a bingo game, not barcodes on products for sale. The barcode of Itkis is directed to identifying bingo prizes owed to the bearer of the receipt. Itkis does not cure any of the previously mentioned deficiencies of Coutts.

With respect to claim 1, the references fail to teach:

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

With respect to claim 7, the references fail to teach:

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner,

wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

With respect to claim 8, the references fail to teach:

a controlling transaction computer at a checkout station, including a universal serial bus controller; and

a computer peripheral at the checkout station and separately housed from the controlling transaction computer including

a peripheral housing for containing only two normally separately housed peripherals for saving space at the checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable

between the universal serial bus hub and the universal serial bus controller during the sale of the products completed by the transaction computer.

With respect to claim 9, the references fail to teach:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including an impact printer, a magnetic ink character reader, a receipt printer, and a bar code reader; and
control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

With respect to claim 10, the references fail to teach:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader;

wherein the housing includes a generally vertical front surface containing an aperture and wherein the barcode reader is located within the housing between the receipt printer and the aperture; and

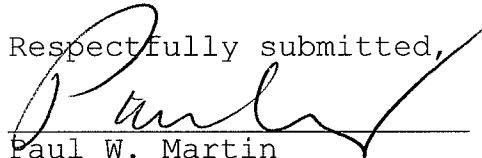
control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

Conclusion

Appellants respectfully submit that the Office has failed to establish a prima facie case of obviousness and that the rejection of claims 1 and 7-10 is improper.

Appellants further submit that claims 1 and 7-10 are allowable and respectfully request that the rejection of claims 1 and 7-10 by the Office be reversed by the Board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul W. Martin", is written over a horizontal line.

Paul W. Martin
Reg. No. 34870
(937) 445-2990

(viii) CLAIMS APPENDIX

1. A computer peripheral comprising:

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

7. A computer peripheral comprising:

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products

between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

8. A transaction system comprising:

a controlling transaction computer at a checkout station, including a universal serial bus controller; and

a computer peripheral at the checkout station and separately housed from the controlling transaction computer including

a peripheral housing for containing only two normally separately housed peripherals for saving space at the checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the

sale of the products completed by the transaction computer.

9. A computer peripheral comprising:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including an impact printer, a magnetic ink character reader, a receipt printer, and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

10. A computer peripheral comprising:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader;

wherein the housing includes a generally vertical front surface containing an aperture and wherein the barcode reader is located within the housing between the receipt printer and the

aperture; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

(ix) EVIDENCE APPENDIX

No evidence pursuant to §§1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner or relied upon by Appellant.

(x) RELATED PROCEEDINGS APPENDIX

There are no related decisions rendered by a court or the Board or copies of such decisions.